(100)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. & HON'BLE SHRI SATISH K. AGNIHOTRI, J.

Writ Petition (C) No. 5070 of 2007

Petitioner : : Narendra Dehariya, S/o Shri Daulat Ram Dehariya, aged about 21 years, R/o. Joda Pipal, Mohalla Kedarpur, Ambikapur, District Surguja (C.G.), presently residing at Kosa Badi, Near Head Post Office, Korba Dist. Korba (C.G.)

Versus

Respondents :

1. State of Chhattisgarh, through the Secretary, Department of Higher Education, D.K.S. Bhawan, Raipur (C.G.).
2. Chhattisgarh Professional Examination Board, through its Controller, C/168, Tagore Nagar, Raipur (C.G.)
3. Chairman, Counseling Committee, C.G. Professional Examination Board, through its Controller, C/168, Tagore Nagar, Raipur (C.G.)
4. The Director, the Directorate of Medical Education, Old Nurses Hostel Building, D.K.S. Bhawan Compound, Raipur (C.G.)

Writ Petition under Article 226 of the Constitution of India

Writ Petition (C) No. 5561 of 2007

Petitioner : : Ku. Ankita Badhiye (Minor) aged 17 year 11 month D/o Arun Kumar Badhiye through : Arun Kumar Badhiye aged 48 years S/o Late Shri K.L. Badhiye Executive Engineer, W.R.S. R/o B-5 Parijat Colony Ring Road no.2, Bilaspur (C.G.)

Versus

Respondents :

1. State of Chhattisgarh, through the

Secretary, Department of Health, D.K.S. Bhawan, Raipur (C.G.).

2. Director, Medical Education, Raipur (C.G.)

3. Anusuchit Janajati parmar patra Uchha Estariya Chhanbin Samiti, through its president pandit Ravi Shanke Shukla Vishwavidalaya parisar, Raipur (C.G.)

Writ Petition under Article 226 of the Constitution of India

Writ Petition (C) No. 5386 of 2007

Petitioner : : Gayatri Karoliya, D/o Netram Karoliya, aged about 19 years, R/o Manendragarh, District Korea (C.G.)

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of Health & Family Welfare, D.K.S. Building, Mantralaya, Raipur, Chhattisgarh.

2. Director, Medical Education, Raipur, Chhattisgarh.

3. Chhattisgarh Professional Examination Board, through Secretary, Raipur, Chhattisgarh.

4. Caste Certificate High Power Scrutiny Committee, Office of the Commissioner, SC/ST Devp. Department, Raipur, Chhattisgarh.

Writ Petition under Article 226 of the Constitution of India

Present : Shri Kanak Tiwari, Senior Advocate with Ms. Bharati Soni; Shri Sandeep Dubey; Shri M.P.S. Bhatia & Shri Shashank Thakur, counsel for the petitioners.
Shri Prashant Mishra, Advocate General with Shri A.S. Kachhawaha, Government Advocate for the State.
Shri Jitendra Gupta, counsel for Chhattisgarh Professional Board.

ORAL ORDER
(Passed on 27th September, 2007)

The following oral order of the Court was passed by Hon'ble Jagdish Bhalla, Ag. C.J.

Since in all the three connected writ petitions similar prayers and grounds have been raised, they are being considered and disposed of by one common order.

The applications for amendment are allowed. Let necessary amendment be carried out during the course of the day and copy of the amended petition be served upon the State.

The petitioners are the students who want to pursue professional course. Though born and brought up in the State of Chhattisgarh their social status has been denied and accordingly the caste certificate granted to them has been rejected.

Learned Advocate General appearing for the respondents / State informs that the judgment of the learned Single Judge was wrongly interpreted and in compliance of the judgment in Writ Petition No.2510/2004 dated 04-02-2005, the Government by an order dated 02.02.2006 had kept its notification dated 06.07.2004 in abeyance. Thereafter the Government has issued another order dated 27-06-2007 wherein definition of bonafide residents of Chhattisgarh has been defined and explained which includes (i) persons belonging to the central services posted at Chhattisgarh, their spouses or children; (ii) all the employees of State of Chhattisgarh, their spouses or children; (iii) Persons appointed on Constitutional or Statutory posts by President of India, their spouses or children; (iv) Corporations, Agencies, Commissions, Board's, Officials/Officers/employees, their spouses or children. This

Government order is to benefit the petitioners-students with respect to bonafide residents of Chhattisgarh.

We are of the considered opinion that once such persons have been recognized as residents of Chhattisgarh, then the same analogy shall apply for the purpose of the admissions of children of the categories referred to hereinabove are concerned, if their caste is included in the Presidential Order.

The respondents are directed to consider the candidature of the petitioners – students afresh in the light of the observations made hereinabove, in accordance with law.

With the aforesaid observation, the writ petitions stand disposed of.

Sd/-
Satish K.Agnihotri
Judge

Sd/-
Acting Chief Justice